

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

NETLIST, INC.,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 2:22-cv-203-JRG
)	
MICRON TECHNOLOGY, INC.;)	JURY TRIAL DEMANDED
MICRON SEMICONDUCTOR)	
PRODUCTS, INC.; MICRON)	
TECHNOLOGY TEXAS LLC,)	
)	
Defendants.)	

**DECLARATION OF JASON G. SHEASBY IN SUPPORT OF
PLAINTIFF NETLIST, INC.'S OPPOSITION TO DEFENDANTS' MOTION
TO STRIKE EXPERT TESTIMONY OF DAVID KENNEDY (DKT 273)**

I, Jason G. Sheasby, declare as follows:

1. I am an attorney at the law firm of Irell & Manella LLP, counsel of record for Plaintiff Netlist, Inc. (“Netlist”) in the above-captioned action. I am a member in good standing of the State Bar of California and have been admitted to practice *pro hac vice* before this Court in this action. I provide this declaration in support of Netlist, Inc.’s Opposition to Defendants’ Motion to Strike Testimony of Mr. David Kennedy. I have personal knowledge of the facts stated herein, and could and would testify completely thereto if called as a witness in this matter.

2. Attached as **Exhibit 1** is a true and correct excerpted copy of the Expert Report of David Kennedy, dated October 4, 2023.

3. Attached as **Exhibit 2** is a true and correct excerpted copy of the deposition transcript of Dave Westergard, dated September 15, 2023.

4. Attached as **Exhibit 3** is a true and correct excerpted copy of the deposition transcript of Chuck Hong, dated September 20, 2023.

5. Attached as **Exhibit 4** is a true and correct copy of exhibit 3 to the Chuck Hong September 20, 2023 deposition.

6. Attached as **Exhibit 5** is a true and correct copy of a Micron Presentation, Bates numbered MICNL203-00215044.

7. Attached as **Exhibit 6** is a true and correct excerpted copy of the deposition transcript of Roman Royer, dated September 19, 2023.

8. Attached as **Exhibit 7** is a true and correct excerpted copy of Trial Transcript Vol. 3 dated April 18, 2023 from the Netlist v. Samsung litigation, Case No. 1:21-cv-463-JRG (“Samsung I”).

9. Attached as **Exhibit 8** a true and correct copy of the Jury Verdict dated April 21, 2023 from Samsung I.

10. Attached as **Exhibit 9** is a true and correct excerpted copy of the hearing transcript from the Motion to Compel, dated August 22, 2023.

11. Attached as **Exhibit 10** is a true and correct excerpted copy of .Exhibit C to the Expert Report of Dr. Mangione-Smith, dated October 4, 2023.

12. Attached as **Exhibit 11** is a true and correct excerpted copy of the Supplemental Expert Report of Dr. Mangione-Smith, dated November 6, 2023.

13. Attached as **Exhibit 12** is a true and correct excerpted copy of the deposition transcript of Tyler Morton, dated September 6, 2023.

14. Attached as **Exhibit 13** is a true and correct copy of an email produced by Micon, Bates numbered MICNL203-0210850.

15. Attached as **Exhibit 14** is a true and correct copy of Micron Technology, Inc. Fiscal 4Q 2023 Earnings Call, Prepared Remarks.

16. Attached as **Exhibit 15** is a true and correct excerpted copy of the deposition transcript of Zach Stordahl, dated November 7, 2023.

17. Attached as **Exhibit 16** is a true and correct excerpted copy of the Pretrial Conference Transcript volume 2, dated March 29, 2023 from Samsung I.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on November 28, 2023, in Los Angeles, California.

By /s/ Jason G. Sheasby
Jason G. Sheasby